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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,065	01/19/2001	Bradley Allen Bowlin	10006826-1	8299

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,065

Applicant(s)

BOWLIN, BRADLEY ALLEN

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 have been examined.
2. Examination of the instant application has been reassigned to Examiner Matthew Heneghan.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "each directory" in line 4. There is insufficient antecedent basis for this limitation in the claim. For purposes of the prior art search, it is being presumed that each directory is a safe zone (see Specification, p. 14, lines 5-10).

Claim 10 depends from rejected claim 9, and include all the limitations of that claim, thereby rendering that dependent claim indefinite.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, 9, 14-16, 17, 20, 21, 24, and 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,903,720 to Stokes.

As per claims 1, 16, and 31, Stokes discloses an object authorization system wherein databases are maintained designating files as belonging to certain objects (i.e. safe zones), and authorization spaces (information structures) which contain access rights determining whether particular users' permission levels (filters) for files within the respective objects. These structures are used in response to attempted file accesses (see column 5, line 44 to column 6, line 31). Each object may be a file (see column 5, lines 27-32), and the collection of objects constitutes the first database.

As per claims 2 and 17, the invention is designed to grant or deny access requests (see column 11, line 63 to column 12, line 8).

As per claims 5 and 20, methods for manipulating objects are provided (see column 8, line 24 to column 9, line 36).

As per claims 6 and 21, methods for manipulating authorization spaces are provided (see column 9, line 39 to column 10, line 51).

Regarding claims 9 and 24, Stokes' invention constitutes a "distributed database" insofar as the term is defined in Applicant's specification. Stokes discloses the

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hierarchical organization of objects, allowing disparate objects to be organized into a safe zone (see column 7, lines 25-47).

As per claims 14 and 29, the object system is layered between the native operating system and the outside world, thus making it an operating system, per se (see column 5, lines 44-65 and figure 1).

Regarding claim 15 and 30, Stokes' invention is usable with any type of file I/O. It therefore inherently is activated by the receiving of a remote query.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 18, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes as applied to claims 1 and 16 above, and further in view of U.S. Patent No. 6,189,032 to Susaki et al.

Stokes does not show if access to a file is denied, then subsequently prompting said user to confirm or reverse said decision to deny access.

Susaki teaches displays (prompting) the identifier of a user who made the service supply request, user authority level, and identifier of the service being the object of the

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service supply request, which prompts to select a button to permit (confirm) or not permit (deny) the approval request (Susaki, col. 11, line 57-62), and suggests that even if an approval and consent are required in case a user of the client terminal receives a service that the server provides, the access to the foregoing service by the concerned user can properly be controlled (Susaki, col. 2, line 48-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes as per teaching of Susaki to provide a client-server system, a server, and a client terminal, whereby, even if an approval and consent are required in case a user of the client terminal receives a service that the server provides, the access to the foregoing service by the concerned user can properly be controlled.

5. Claims 7, 8, 10, 22, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes as applied to claims 1, 9, 16, and 24 above, and further in view of U.S. Patent No. 6,092,201 to Turnbull et al.

Stokes does not disclose the encrypting of the databases.

Turnbull discloses the usage of list of authorization parameters (see column 3, lines 16-19), wherein the lists may be encrypted in order to limit access to authorized users (see column 9, lines 38-42).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Stokes by encrypting the two databases, as disclosed by Turnbull, in order to further limit access only to authorized users.

6. Claims 11-13 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,720 to Stokes as applied to claims 1 and 16 above, and further in view of U.S. Patent No. 6,647,400 to Moran.

Regarding claims 11 and 26, Stokes does not show the attempting to determine whether an illegal request was initiated by a Trojan process.

Moran teach an intrusion detection system comprises a signature checking mechanism configured to compute a signature of a file, compare it to a file signature previously computed by the signature checking mechanism, and compare it to a file signature previously computed by other than the signature checking mechanism (a determining step towards identifying a Trojan, Moran, col. 4, line 9-16). Moran further suggests the need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks (see column 11, lines 3-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes as per teaching of Moran to include the improved system and method for detecting computer intrusion (Moran, col. 3, line 21-22), as there is a need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks.

Regarding claims 12 and 27, Moran further shows wherein attempting to determine whether said request was wherein attempting to initiated by a Trojan process comprises determining what application the request appears to be associated with, and also determining whether a timestamp which is associated with the request is consistent

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with one or more timestamps associated with the application's install (Moran, col. 4, line 25-29).

Regarding claims 13 and 28, Moran further teaches intrusion detection system comprises an analysis engine and a configuration discovery mechanism for locating system files on a host. The configuration discovery mechanism communicates the locations of these files to the analysis engine (Moran, col. 3, line 63-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Stokes as per teaching of Moran to include the improved system and method for detecting computer intrusion (Moran, col. 3, line 21-22), as there is a need to search a wide variety of relationships in order to provide a detailed assessment of one or more attacks.

Response to Arguments

7. Applicant's arguments, see Remarks, filed 19 November 2004, with respect to the rejections of claims 1-31 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of the above cited art.

Conclusion

8. Due to the introduction of new grounds of rejection, this action is non-final.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,361,359 to Tajalli et al. discloses the establishment of safe zones in a computer.

U.S. Patent No. 5,826,268 to Schaefer et al. discloses an object-oriented data access control system.

U.S. Patent No. 6,412,070 to Van Dyke et al. discloses a system for manipulating data access rights.

U.S. Patent No. 6,470,450 to Langford et al. discloses a system for limiting data access on a per-application basis.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH *MEH*
May 2, 2005

Greg Morse
GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100